

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:15CR321-002
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
)	
JOSE ALBERTO HERNANDEZ ORTIZ,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's Motion to Modify and Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(2), ECF No. 155. The Defendant appears to have used a form pleading, seeking a sentence reduction pursuant to Amendment 782 to U.S.S.G. § 2D1.1, which became effective on November 1, 2014, and was applied retroactively to defendants sentenced before that date. U.S. SENTENCING GUIDELINES MANUAL § 2D1.1 (U.S. SENTENCING COMM'N 2014).

The Defendant was sentenced on September 12, 2016, well after the effective date of Amendment 782, and his ten-year sentence reflected the mandatory minimum term of incarceration. His Motion is without merit. Accordingly,

IT IS ORDERED:

1. The Defendant's Motion to Modify and Reduce Sentence, ECF No. 155, is denied; and
3. The Clerk of Court is ordered to mail a copy of this order to the Defendant at his last known address.

DATED this day of 4th day of January, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge